



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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November 23, 2009

**BY ECF**

Honorable Lois Bloom  
United States Magistrate Judge  
United States District Court, EDNY  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Nitashia Nelson v. City of New York, et al., CV 09-2854 (BMC)(LB)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to handle the above-referenced matter on behalf of defendants City of New York and Detective Vincent Barese. In essence, plaintiff alleges that she was falsely arrested by Detective Barese on March 17, 2009. Defendants respectfully request that the Court compel plaintiff to execute, by a date certain, the consent and authorization for the release of any records sealed pursuant to New York Criminal Procedure Law § 160.50, which was previously provided to plaintiff on August 17, 2009, September 15, 2009, and November 2, 2009.

By way of background, plaintiff filed this complaint on June 23, 2009. At that time, the Civil Docket Sheet reflected that plaintiff's address was 170 Brooklyn Avenue, New York, NY 11213. On August 17, 2009, this office forwarded to plaintiff at the address provided a consent and authorization form for the release of plaintiff's arrest records, District Attorney file, and Criminal Court file, as plaintiff alleges in her complaint that the criminal case against her was terminated in her favor. By Order dated August 30, 2009, this Court directed plaintiff to provide a current address by September 30, 2009, because all documents mailed to the address provided by plaintiff were being returned as "Undeliverable." By letter dated September 11,

The application is

SO ORDERED.

☒ granted.  
☐ denied.

*Lois Bloom*

Lois Bloom, U.S.M.J.

Dated: 11/24/09  
Brooklyn, New York

without prejudice. Defendants' counsel shall bring the releases to the initial conference on December 10, 2009. Plaintiff should bring any records she has regarding her arrest to the Court conference.

2009,<sup>1</sup> defendants requested that the Court compel plaintiff to execute and return the consent and authorization form needed to access the police and criminal court documents regarding plaintiff's arrest that is the subject of this litigation. Furthermore, on September 15, 2009, defendants sent another copy of the unsealing release to the address provided by plaintiff. By Order, dated September 17, 2009, the Court denied defendants' request to compel plaintiff to execute the unsealing release, instead staying defendants' response to the complaint to see if plaintiff would comply with the Court's Order, dated August 30, 2009, to update her address on the Civil Docket Sheet on or before September 30, 2009.

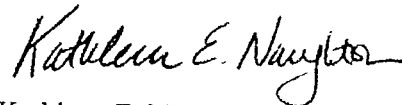
Although plaintiff failed to comply with that Order in a timely matter, by letter dated October 14, 2009, plaintiff provided a new address to the Court, as follows: Mt. Carmel Religious Store, 210 Utica Avenue, Brooklyn, NY 11213. On November 2, 2009, this office forwarded an unsealing release to plaintiff at that address. By Order, dated November 2, 2009, the Court ordered defendants to respond to plaintiff's Complaint by November 23, 2009. Pursuant to that Order, defendants are submitting their Answer, on behalf of City of New York and Detective Barese, today, November 23, 2009.

As stated in defendants September 11, 2009 letter, without a properly executed release, this office is unable to obtain the District Attorney, Criminal Court and police records pertaining to plaintiff's underlying arrest. Without these records, defendants City of New York and Detective Barese are unable to access the underlying documentation necessary to adequately defend against plaintiff's allegations.

Therefore, defendants City of New York and Detective Barese respectfully request that the Court order plaintiff to provide this office, by a date certain, with a fully executed consent and authorization, so that we may obtain the underlying records and proceed with this litigation.

Thank you for your consideration herein.

Respectfully submitted,



Kathleen E. Naughton  
Assistant Corporation Counsel  
Special Federal Litigation

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<sup>1</sup> By the same letter, dated September 11, 2009, defendants also responded to the Court's Valentin Order, dated July 23, 2009.

cc: **VIA FIRST CLASS MAIL**  
Nitashia Nelson, plaintiff *pro se*  
Mt. Carmel Religious Store  
210 Utica Avenue  
Brooklyn, NY 11213